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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,817	10/26/2006	Shinya Iwasaki	B-5940PCT 623407-1	2805

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EXAMINER

RAMSEY, JEREMY C

ART UNIT	PAPER NUMBER
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3634

MAIL DATE	DELIVERY MODE
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12/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,817	Applicant(s) IWASAKI ET AL.	
	Examiner JEREMY C. RAMSEY	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>AUG 14, 06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rotatable cover in claims 11, 13, 19, 20 and 22 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3.

4. Claim 6 recites the limitation "the connection portion" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 – what is 'normal' opening -- how is normal defined and determined?

5.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example:

Claim 1

guide rails along which edges of the shutter curtain being guided for ascending and descending to thereby open and close an opening;

an engaging portion being provided on the guide rail so as not to block normal opening and closing of the shutter curtain, such that when the shutter curtain kept in a shut state is lifted from the lower surface of a bottom plate, one or more curtain pieces of at least a part of shutter curtain in a vertical posture are bent, whereby a part of the bent curtain piece is caused to be engaged by the engaging portion...

and claims 5, 6, 8:

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guide rails standing on both sides of an opening of the construction, by which both edges of said shutter curtain being guided for ascending and descending to thereby open and close an opening of the construction...

Dependent claims are rejected as depending from rejected claims.

Examiner has examined all claims as best understood.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 3-29673.

3. In re claims 1-4 and 15-16, with reference to Figures 1-4, '673 discloses a shutter curtain lifting prevention structure comprising:

- A shutter curtain comprised of a plurality of pieces (4) connected in a bendable manner.
- Guide rails (3) along which the edges of the shutter curtain is guided.
- An engaging portion (7) provided in the guide rail (3) so as to not block normal opening and closing, such that when part of the shutter in a vertical posture is bent when lifted from the lower surface, the bent curtain engages the engaging portion (7).

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- Said curtain piece (4) is a slat and a plurality of slats are connected by an interlock portion (6), and wherein the part of the curtain piece which is engaged by the engagement portion (7) is the interlock portion (6)
- Wherein the engaging portion (7) is a cutout recess formed in the interior side portion of the guide rail (3). (Recess is between the engagement portions)
- Wherein the engaging portion is an engaging prong (7).

4. Claims 5, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 3-29673.

5. In re claim 8, with reference to Figures 1-4, '673 discloses a shutter curtain lifting prevention structure comprising:

- A shutter curtain formed by connecting a plurality of slats (4) via an interlock portion (6).
- Guide rails (3) on both sides of the opening.
- A guide groove formed between the interior side plane and exterior side plane of each guide rail (3).
- An inner space of the guide rail being defined by the guide groove for receiving an edge of the shutter curtain.
- An intra rail hook member (7) provided in the interior side space of the guide rail, having an engaging portion high than the connecting portion of a bottom plate and slat.

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- An interior side cutout recess (between each hook member 7) formed on the interior side plan portion of the guide rail, opposed to the engaging portion of the intra rail hook member (7).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 3-29673.

8. In re claims 7 and 9, the shutter curtain of '673 has been discussed above but fails to disclose:

- An exterior side cutout recess.

9. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include an exterior side cutout recess since it is already taught to include in interior side recess and it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. *Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Adding an exterior side cutout recess would allow the curtain to be usable in either direction within the guide rails.

10. Claims 10-13, 17 -22 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 3-29673 in view of Simon 6,715,531.

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11. In re claims 10-14, 17 and 19, the shutter curtain of '673 has been discussed above but fails to disclose:

- A deformable and rotatable cover provided at the interior and exterior cutout recess.

Simon '531 discloses:

- A deformable and rotatable (about corner 21) cover (12). (Figure 4)

12. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a deformable and rotatable cover as taught by Simon '531 in order to allow it to return to its original position without damage under the pressure of an external force. (column 1, lines 47-51)

13. In re claim 14 the examiner takes Official Notice that it is well known in the art to use detection means in order to send a signal to prevent the opening of a door in the event that it has been tampered with or if there is some disturbance.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Henkenjohann 5,573,050, Hill et al 3,850,465 and Escribano 6,874,560.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY C. RAMSEY whose telephone number is (571)270-3133. The examiner can normally be reached on Monday-Friday 6:30 am-4:00 pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/
Supervisory Patent Examiner, Art
Unit 3634

/Jeremy C Ramsey/
Examiner, Art Unit 3634